

Sec. 6. But if the said freeholders shall find that the said fence, or any part thereof, the making or repairing of which is sought to be enforced, would be of no use or benefit to the party refusing by reason of its lying contiguous to uninclosed or waste lands, or for any other reason, they shall so report in their award; and no one shall be required to make or repair more than one-half of such fence, as shall be to him necessary. To report in their award.

Sec. 7. If any person having an interest in any joint division fence shall fail to make or keep in repair his part thereof, he shall not be entitled to damages on account of any trespass, through said part, by stock belonging to the other joint owner of the fence; and if he shall kill, maim, or otherwise injure such stock, he shall, upon conviction, pay to the owner thereof the full value of such stock, with costs of suit. Injury to stock

Sec. 8. In all other cases of trespass by stock, the party trespassed upon shall be entitled to recover from the owner of the stock trespassing the amount of damages done by such trespass, as other debts are now recovered; but if the party trespassed upon shall kill, maim, or otherwise wilfully injure the stock trespassing, he shall forfeit his right to recover; but in case of prosecution for such killing or maiming, he shall be entitled to prove the amount of damage done by such stock, in mitigation of damages for the killing or maiming. Entitled to recover.

Sec. 9. Each freeholder acting under the provisions of this act, shall be entitled to two dollars per day for each day he shall be so employed, one-half of which shall be paid by each party interested. Per diem.

Sec. 2. *And be it enacted,* That this act shall take effect from the date of its passage. In force.